

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Raaum Estates, a North Dakota General Partnership, effective January 1, 1989, by and through its Present Managing Partner, Joseph Dale Raaum a/k/a Dale Raaum

Plaintiff,

vs.

Murex Petroleum Corporation, a foreign business corporation, licensed to do business in North Dakota,

Defendant.

**ORDER GRANTING LEAVE
TO AMEND THE COMPLAINT TO
PLEAD A CLAIM FOR PUNITIVE
DAMAGES**

Case No. 4:14-cv-024

Before the court is plaintiff's motion to amend its complaint to assert a claim for punitive damages. Plaintiff's motion was made prior to the removal of the case. And, after the court denied the cross-motions for summary judgment, it allowed the parties to further address the issue.

The court is well aware of the standard set forth under N.D.C.C. § 32-03.2-11 for when a motion to amend a complaint to plead recovery of punitive damages should be allowed as well as the ultimate standard for an award of punitive damages. See, e.g., Mosley v. Alpha Oil and Gas Services, Inc., 962 F.Supp.2d 1090, 1105 (D.N.D. 2013). Without deciding whether an award of punitive damages is ultimately appropriate in this case, the court concludes plaintiff has submitted enough to make out a prima facie case for such an award if the facts are construed, as well as all inferences are drawn, in plaintiff's favor.

Based on the foregoing, plaintiff's motion requesting leave to file an amended complaint including a claim for punitive damages (Doc. No. 1-6) is **GRANTED**. Plaintiff shall file the amended complaint including the claim for punitive damages on or before August 10, 2016. Defendant may file an amended answer if it chooses, but one will not be required to contest the claim as the court will deem the issue to have been controverted by defendant without further pleading.

IT IS SO ORDERED.

Dated this 1st day of August, 2016.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court